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10/550,078	06/07/2006	Stephan Lausterer	15540-064US1	1571

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EXAMINER	
ZAHR, ASHRAF A	

ART UNIT	PAPER NUMBER
2175	

NOTIFICATION DATE	DELIVERY MODE
01/08/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.	Applicant(s)	
	10/550,078	LAUSTERER ET AL.	
	Examiner	Art Unit	
	ASHRAF ZAHR	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 October 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/30/2008 has been entered.

Response to Amendment

35 USC § 112

2. Applicant's amendments to claim 16 has been received. Therefore, this rejection is withdrawn.

35 USC § 103

3. Applicant Argues,

> "Initially, it is noted that the title line 11 cannot be equated with the recited main menu of a first display region because, as shown in Figure 2, the title line 11 does not include options for the selection of main activity modes of a machine tool. Rather, the title line 11 includes selections such as "MODE," "FILE" and "OPTIONS," which are the different menu options for the user interface of the display 10. Thus, regardless of whether the title line 11 is permanently displayed, the title line 11 cannot be equated with the recited main menu. Additionally, the selection of the mode of operation through the title line 11 is done by activating the menu item "MODE OF OPERATION" in the title line 11 (see Rutkowski col. 5, lines 42-45), and the operating mode may be selected from a pull-down menu that includes the various possible modes of operation as selectable options (see Rutkowski at col. 5, lines 47-49). However, there is no indication that the pull-down menu (which is the only menu that provides a selection of activity main modes) is permanently displayed".

The title line contains menu selections which allow the user to perform activities on the machine. Specifically, Rutkowski discloses windows for the various processing units of the respective machine tools (Rutkowski, col 3, ln 38-40). Furthermore, the actual activation of the desired display window 20, 30 can be accomplished by the user in various ways. For example, it is possible to provide for this purpose in the title line 11 an activation area in the form of a menu item whose submenu items are the various available processing units' respective display windows. For activation of this type, the menu item "WINDOW" can perhaps be provided in the title line 11 (Rutkowski, col 5, ln 4-16).Furthermore, this bar is permanently displayed. Therefore, the examiner respectfully disagrees with the applicant.

4. Applicant also Argues, "

> Accordingly, Rutkowski does not describe or suggest a display that 1s divided into at least a first display region and a second display region, where the first display region permanently displays a main menu that provides selection of different main activity modes of a machine tool, and where the first display region permanently displays which one of the main activity modes is selected, as recited in amended claims 1 and 14. Moreover, Rutkowski does not describe or suggest that each main activity mode is associated with a main window that is opened in the second display region when a main activity mode is selected in the main menu, where at least one of the main windows includes a permanently displayed submenu that provides selection of different submodes, as also recited in amended claims 1 and 14.

Figure two clearly shows two display regions with a permanent main menu that also selection of main activity modes. Rutkowski discloses a selection menu in the title line (Rutkowski, col 3, ln 15-17, Fig 2: 31). Furthermore, the windows are associated as they can be accessed by the main menu. Specifically, actual activation of the desired display window 20, 30 can be accomplished by the user in various ways. For example,

it is possible to provide for this purpose in the title line 11 an activation area in the form of a menu item whose submenu items are the various available processing units' respective display windows. For activation of this type, the menu item "WINDOW" can perhaps be provided in the title line 11 (Rutkowski, col 5, ln 4-16). This indicates a user can switch between windows. Furthermore, they are associated by virtue of the fact they are part of the same invention since the association broadly claimed. Therefore, the examiner respectfully disagrees with the applicant.

5. Applicant also Argues,

> The Office cites to column 3, lines 15-17 of Rutkowski as showing "at least one of the main windows includes a permanently displayed submenu that provides selection of different submodes." See Office Action at page 6. Applicants disagree. The cited portion of Rutkowsk" indicates that the submenus assigned to the menu items in the title line 11 vary according to the display window 20, 30. However, Rutkowski's submenus cannot be equated with the recited submenus because Rutkowski's submenus are not permanently displayed. Rather, Rutkowski' submenus, which can be in the form of a pull-down menu, include menu items that can be selected or activated only after the pull-down menu is appropriately activated. See Rutkowski col. 3, lines 23-28.

However, these menus are still permanently displayed as the menu itself is permanently displayed and it allows you to make selections regarding the activity mode of the machine tool. Therefore, the examiner respectfully disagrees with the applicant.

6. Applicant also makes an argument with respect to claim 9,10, 21. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

7. Applicant arguments with respect to new claims 22 and 23 are moot in view of the new grounds of rejection below.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 1-8, 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutkowski, US 6,389,325 (Hereinafter, Rutkowski)

Regarding Claim 1, Rutkowski discloses, "a user interface of a machine tool, the user interface comprising: a display that is divided into at least a first display region and a second display region" (Rutkowski, col 3, ln 40-45).

Rutkowski also discloses, "wherein the first display region permanently displays a main menu that provides selection of different main activity modes of a machine tool". Specifically, Rutkowski discloses for each possible mode of operation of a processing unit, a graphical symbol is available that is understandable to the user (Rutkowski, col 3, ln 60-65).

Rutkowski also discloses, "wherein each main activity mode is associated with a main window that is opened in the second display region when a main activity mode is selected in the main menu". Specifically, Rutkowski discloses windows for the various processing units of the respective machine tools (Rutkowski, col 3, ln 38-40). Furthermore, the actual activation of the desired display window 20, 30 can be accomplished by the user in various ways. For example, it is possible to provide for this purpose in the title line 11 an activation area in the form of a menu item whose submenu items are the various available processing units' respective display windows. For activation of this type, the menu item "WINDOW" can perhaps be provided in the title line 11 (Rutkowski, col 5, ln 4-16).

Rutkowski also discloses, "wherein at least one of the main windows comprises a permanently displayed submenu that provides selection of different submodes with each submode being associated with and a subwindow that is opened when an associated submode is selected". Specifically, Rutkowski discloses a selection menu in the title line (Rutkowski, col 3, ln 15-17, Fig 2: 31).

Rutkowski also discloses, "wherein one or more of the main windows and the subwindows include input fields" (Rutkowski, col 4, ln 64 –col 5, ln 4).

Rutkowski also discloses, "an input unit for selecting the individual modes and for processing the input fields provided in a window, wherein the first display region permanently displays which one of the main activity modes of the machine tool is selected" (Rutkowski, col 2, ln 55-65).

Rutkowski discloses, "wherein if in an original main activity mode, a particular subwindow was opened and a user switched from the original main activity mode to another main activity mode". Specifically, actual activation of the desired display window 20, 30 can be accomplished by the user in various ways. For example, it is possible to provide for this purpose in the title line 11 an activation area in the form of a menu item whose submenu items are the various available processing units' respective display windows. For activation of this type, the menu item "WINDOW" can perhaps be provided in the title line 11 (Rutkowski, col 5, ln 4-16). This indicates a user can switch between windows.

Rutkowski does not explicitly disclose, "then if the user switches back to the original main activity mode, the particular subwindow is opened upon return into the original main activity mode". However, it would be obvious to one of ordinary skill in the at that a particular subwindow would be opened up when a user switches back to a different mode. The motivation to do that is further connected with the activation of a particular display window, for example display window 30 as shown in FIG. 2, is the fact that this respective display window 30 is represented uncovered on the display unit. Non-activated display windows, such as display window 20, for example, can be represented partly or totally covered by the activated window (Rutkowski, col 4, ln 31-54).

Regarding Claim 2, Rutkowski also discloses, "the user interface of claim 1, wherein the selected main activity mode is marked in the main menu". Specifically, Rutkowski discloses a title line (Rutkowski, col 3, ln 10).

Regarding Claim 3, Rutkowski does not specifically disclose, "the user interface of claim 1, wherein at least one of the subwindows comprises a permanently displayed sub-submenu for selecting different submodes of a selected submode and a sub-subwindow associated with each sub-submode such that a sub-subwindow is opened when its associated sub-submode is selected". However, Rutkowski discloses two display windows (Fig 2: 20, 30). There is also a main window (Fig 2: 10). There is no sub-subwindow disclosed. However, it would be obvious to one of ordinary skill in the art at the time of the invention to use display a sub-subwindow when a user selects an operation state (Rutkowski, col 3, ln 55-60). The motivation to do so is that, In the display areas 22, 32 of the available display window 21, 31 various information relating to the processing unit associated with the display window 20, 30 is offered or presented visually to the user. For example, the display of particular user inputs, the display of the positions of machine axes, the representation of executed NC programs, the graphical representation of the workpiece, status information relating to the tool and/or the machine tool, workpiece processing simulations, among many other types of information can be displayed. In the display areas 22, 32 various types of information can consequently be presented visually to the respective user (Rutkowski, col 4, ln 20-30).

Regarding Claim 4, Rutkowski also discloses, "the user interface of claim 3, wherein at least one of the main windows, the subwindows, or the sub-subwindows comprises: a navigation menu for selecting different navigation modes that each graphically represent a region of the machine tool". Specifically, the softkeys are provided for context related input capability (Rutkowski, col 3, ln 10-15).

Rutkowski also discloses, "a navigation window associated with each navigation mode such that a navigation window is opened within at least one main window, subwindow, or sub-subwindow when its associated navigation mode is selected". Specifically, the softkeys are related to a definite display window (Rutkowski, col 3, ln 10-15).

Regarding Claim 5, Rutkowski does not specifically disclose, "the user interface of claim 3, wherein if in an original main activity mode, a particular the sub-subwindow or navigation window was opened and a user switched from the original main activity mode to another main activity mode, if the user switches back to the original main activity mode from the other main activity mode, the particular sub-subwindow or navigation window is opened upon return into the original main activity mode". However, it would be obvious to one of ordinary skill in the at that a particular sub-subwindow would be opened up when a user switches back to a different mode. The motivation to do that is further connected with the activation of a particular display window, for example display window 30 as shown in FIG. 2, is the fact that this respective display

window 30 is represented uncovered on the display unit. Non-activated display windows, such as display window 20, for example, can be represented partly or totally covered by the activated window (Rutkowski, col 4, ln 31-54).

Regarding Claim 6, Rutkowski also discloses, "the user interface of claim 3, wherein at least one of the main windows, the subwindows, or the sub-subwindows comprises at least one activity button for processing input fields provided therein, in which each activity button is associated with an activity button window". Specifically, the softkeys are provided for context related input capability (Rutkowski, col 3, ln 10-15).

Regarding Claim 7, Rutkowski does not specifically disclose, "the user interface of claim 6, wherein when an activity button window is opened, switching over to a different main window, subwindow, or sub-subwindow of the same main activity mode is blocked". However it would obvious to one of ordinary skill in the art at the time of the invention to block a switchover to a different menu. The motivation to do this is found in Rutkowski where it states that each processing unit or each processing channel of the machine tool there exists moreover a series of possible operating states or modes of operation (Rutkowski, col 18-25). These modes of operations allow invention to prevent or allow certain actions when the machine is a specific state.

Regarding Claim 8, Rutkowski also discloses, "the user interface of claim 4, wherein a sequence of the individual submodes, sub-submodes, and navigation modes

within one main activity mode is oriented on the workflow of the machine tool". Specifically, the processing units can execute various functions simultaneously (Rutkowski, col 3, ln 35-55).

Regarding Claim 11, Rutkowski also discloses, "the user interface of claim 1 wherein at least one of the main windows or the subwindows comprises: a navigation menu for selecting different navigation modes that each graphically represent a region of the machine tool". Specifically, the softkeys are provided for context related input capability (Rutkowski, col 3, ln 10-15).

Rutkowski also discloses, "a navigation window associated with each navigation mode such that a navigation window is opened within at least one main window or subwindow when its associated navigation mode is selected". Specifically, the softkeys are related to a definite display window (Rutkowski, col 3, ln 10-15).

Regarding Claim 12, Rutkowski also discloses, "the user interface of claim 11 rein at least one of the main windows or the subwindows comprises at least one activity button for processing input fields provided therein, in which each activity button is associated with an activity button window". Specifically, the softkeys are provided for context related input capability (Rutkowski, col 3, ln 10-15).

Regarding Claim 13, Rutkowski also discloses, "the user interface of claim 1, wherein the main menu is displayed as a menu bar". Specifically, the Rutkowski displays a menu bar (Rutkowski, Fig 2: 11).

Regarding Claim 14, Rutkowski also discloses, "a method of interfacing with a user of a machine tool, the method comprising: displaying a first display region in a display" (Rutkowski, Fig 2: 11).

Rutkowski also discloses, "displaying a second display region in the display" (Rutkowski, col 3, Fig 2: 1).

Rutkowski also discloses, "permanently displaying a main activity menu in the first display region, wherein the main activity menu provides a selection of different main activity modes of a machine tool, wherein each main activity mode is associated with a main window". Specifically, Rutkowski discloses a MODE of operation (Rutkowski, col 3, ln 15-20, Fig 2: 11)

Rutkowski also discloses, "opening a main window in the second display region when it associated main activity mode is selected in the main activity menu". Specifically, Rutkowski discloses opening a window for each mode of operation (Rutkowski, Fig 2: 20)

Rutkowski also discloses, "permanently displaying a submenu in at least one of the main activity menus, wherein the submenu provides a selection of different submodes that are each associated with a subwindow". Specifically, Rutkowski

discloses a selection menu in the title line with a mode of operation (Rutkowski, col 3, ln 15-17).

Rutkowski also discloses, "opening a subwindow when its associated submode is selected". Specifically, Rutkowski opens a window that are each assigned to different processing nits or tasks of the respective machine tool (Rutkowski, col 2, ln 65 – col 3, ln 5).

Rutkowski also discloses, "displaying input fields in one or more of the main windows and the subwindows enabling selection of one or more of a main activity mode or a submode through an input unit" (Rutkowski, col 4, ln 64 –col 5, ln 4).

Rutkowski also discloses, "processing the input fields at the input unit; and permanently displaying in the first display region which one of the main activity modes is selected" (Rutkowski, col 2, ln 55-65).

Rutkowski also discloses, "opening a particular subwindow in an original main activity mode". Specifically, actual activation of the desired display window 20, 30 can be accomplished by the user in various ways. For example, it is possible to provide for this purpose in the title line 11 an activation area in the form of a menu item whose submenu items are the various available processing units' respective display windows. For activation of this type, the menu item "WINDOW" can perhaps be provided in the title line 11 (Rutkowski, col 5, ln 4-16). This indicates a user can switch between windows.

Rutkowski also discloses, "receiving a selection to switch from the original main activity mode to another main activity mode". Specifically, actual activation of the

desired display window 20, 30 can be accomplished by the user in various ways. For example, it is possible to provide for this purpose in the title line 11 an activation area in the form of a menu item whose submenu items are the various available processing units' respective display windows. For activation of this type, the menu item "WINDOW" can perhaps be provided in the title line 11 (Rutkowski, col 5, ln 4-16). This indicates a user can switch between windows.

Rutkowski also discloses, "receiving a selection to switch from the other main activity mode back to the original main activity mode". Specifically, actual activation of the desired display window 20, 30 can be accomplished by the user in various ways. For example, it is possible to provide for this purpose in the title line 11 an activation area in the form of a menu item whose submenu items are the various available processing units' respective display windows. For activation of this type, the menu item "WINDOW" can perhaps be provided in the title line 11 (Rutkowski, col 5, ln 4-16). This indicates a user can switch between windows.

Rutkowski does not explicitly disclose, "opening the particular subwindow upon return to the original main activity mode". However, it would be obvious to one of ordinary skill in the at that a particular subwindow would be opened up when a user switches back to a different mode. The motivation to do that is further connected with the activation of a particular display window, for example display window 30 as shown in FIG. 2, is the fact that this respective display window 30 is represented uncovered on the display unit. Non-activated display windows, such as display window 20, for

example, can be represented partly or totally covered by the activated window (Rutkowski, col 4, ln 31-54).

Regarding Claim 15, Rutkowski also discloses, "the method of claim 14, further comprising marking the selected main activity mode in the main menu". Specifically, a title bar that can display the processing function in the title area (Rutkowski, col 3, ln 47-52).

Regarding Claim 16, Rutkowski also discloses, "the method of claim 14, further comprising: permanently displaying in at least one of the subwindows a sub-submenu that enables selection of different sub-submodes of a selected submode". Specifically, Rutkowski discloses a menu in the display window that can allow the user to select operation states (Rutkowski, col 3, ln 55-65).

Rutkowski does not specifically disclose, "associating with each sub-submode a sub-subwindow and opening a sub-subwindow when its associated sub-submode is selected". However, Rutkowski discloses two display windows (Fig 2: 20, 30). There is also a main window (Fig 2: 10). There is no sub-subwindow disclosed. However, it would be obvious to one of ordinary skill in the art at the time of the invention to use display a sub-subwindow when a user selects an operation state (Rutkowski, col 3, ln 55-60). The motivation to do so would be to create a new window to assign to a different processing unit or task (Rutkowski, col 3, ln 1-3).

Regarding Claim 17, Rutkowski also discloses, "the method of claim 14, further comprising: presenting a navigation menu having different navigation modes in at least one of the main windows, the subwindows, or the sub-subwindows, wherein each navigation mode represents a region of the machine tool". Specifically, the softkeys are provided for context related input capability (Rutkowski, col 3, ln 10-15).

Rutkowski also discloses, "associating a navigation window with each navigation mode" and "opening a navigation window within the at least one main window, subwindow, or sub- subwindow when its associated navigation mode is selected". Specifically, the softkeys are related to a definite display window (Rutkowski, col 3, ln 10-15).

Regarding Claim 18, Rutkowski also discloses, "receiving a selection to switch from the original main activity mode to another activity main mode". Specifically, Rutkowski discloses the ability optionally activated the windows by the user during the simultaneous execution of various tasks (Rutkowski, col 4, ln 30-55).

Rutkowski also discloses, "receiving a selection to switch from the other main activity mode back to the original main activity mode". Specifically, Rutkowski discloses the ability optionally activated the windows by the user during the simultaneous execution of various tasks (Rutkowski, col 4, ln 30-55). The examiner reads this as being able to switch back and forth between windows.

Rutkowski also discloses, "opening the particular sub-subwindow, or navigation window upon return to the original main activity mode". Specifically, the Rutkowski

discloses the ability to cover or hide non-activated displays and then re-open them (Rutkowski, col 4, ln 30-55).

Rutkowski does not specifically disclose, "the method of claim 16, further comprising: opening a particular sub-subwindow, or navigation window in an original main activity mode". However, Rutkowski discloses windows for the various processing units of the respective machine tools (Rutkowski, col 3, ln 38-40). It would be obvious to one of ordinary skill in the art at the time of the invention to open a sub-subwindow in a main mode window. The motivation to do so is that, In the display areas 22, 32 of the available display window 21, 31 various information relating to the processing unit associated with the display window 20, 30 is offered or presented visually to the user. For example, the display of particular user inputs, the display of the positions of machine axes, the representation of executed NC programs, the graphical representation of the workpiece, status information relating to the tool and/or the machine tool, workpiece processing simulations, among many other types of information can be displayed. In the display areas 22, 32 various types of information can consequently be presented visually to the respective user (Rutkowski, col 4, ln 20-30).

Regarding Claim 19, Rutkowski also discloses, "the method of claim 16, further comprising: presenting an activity button in at least one of the main windows, the subwindows, or the sub-subwindows, wherein an activity button supports processing of input fields provided in the at least one main window, subwindow, or sub-subwindow".

Specifically, the softkeys are provided for context related input capability (Rutkowski, col 3, ln 10-15).

Rutkowski also discloses, "associating each activity button with an activity button window". Specifically, these softkeys are always related to a definite display window (Rutkowski, col 3, ln 10-15).

Regarding Claim 20, Rutkowski does not specifically disclose, "the method of claim 19, further comprising blocking switching to a different main window, subwindow, or sub-subwindow of a main activity mode when an activity button window is opened". However it would obvious to one of ordinary skill in the art at the time of the invention to block a switchover to a different menu. The motivation to do this is found in Rutkowski where it states that each processing unit or each processing channel of the machine tool there exists moreover a series of possible operating states or modes of operation (Rutkowski, col 18-25). These modes of operations allow invention to prevent or allow certain actions when the machine is a specific state.

10. Claim 10, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutkowski, US 6,389,325 (Hereinafter, Rutkowski) in view of Nishiyama et al., US Patent Number 6,236,399 (Hereinafter, Nishiyama).

Regarding Claim 10, Rutkowski does not specifically disclose, "the user interface of claim 1, wherein the display and the input unit are formed by a touch

screen". However, Nishiyama remedies this with a touch panel overlaid on a LCD (Nishiyama, col 4, ln 65 – col 5, ln 3). It would be obvious to one of ordinary skill in the art at the time of the invention to add the touch panel feature to Rutkowski's user interface for a machine tool. The motivation to do so would be to provide an input for the selection of icons in the machine tool interface (Nishiyama, col 5, ln 26-40).

Regarding Claim 22, Nishiyama also discloses, "the method of claim 1, wherein the main activity modes include at least one of production, setting, programming, maintenance, start-up, and diagnosis(Nishiyama, col 4, ln 45-55). It would be obvious to one of ordinary skill in the art at the time of the invention to add these types of settings to the menu of Rutkowski. The motivation to do so would be to allow the operator to enter information at various steps (Nishiyama, col 5, ln 26-40).

Regarding Claim 23, Nishiyama also discloses, "the system of claim 12, wherein the main activity modes include at least one of production, setting, programming, maintenance, start-up, and diagnosis" (Nishiyama, col 4, ln 45-55). It would be obvious to one of ordinary skill in the art at the time of the invention to add these types of settings to the menu of Rutkowski. The motivation to do so would be to allow the operator to enter information at various steps (Nishiyama, col 5, ln 26-40).

11. Claims 9, 21, 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rutkowski, US 6,389,325 (Hereinafter, Rutkowski) in view of Dando, US Patent Number 6,944,829 (Hereinafter, Dando).

Regarding Claim 9, Rutkowski does not specifically disclose, "the user interface of claim 3, characterized in that at least one of the submenus and the sub-submenus is designed as tab menu bar". However, Dando remedies this with the disclosure of tabbed menus (Dando, col 9, ln 10-16). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the references to add tabs to windows in Rutkowski. The motivation to do so would be give the window a tabbed layout (Dando, col 9, ln 16-17).

Regarding Claim 21, Rutkowski does not specifically disclose, "the method of claim 16, further comprising designing at least one of the submenus or sub-submenus as a tab menu bar". However, Dando remedies this with the disclosure of tabbed menus (Dando, col 9, ln 10-16). It would be obvious to one of ordinary skill in the art at the time of the invention to combine the references to add tabs to windows in Rutkowski. The motivation to do so would be give the window a tabbed layout (Dando, col 9, ln 16-17).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ASHRAF ZAHR whose telephone number is (571)270-1973. The examiner can normally be reached on M-F 9:30 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on (571)272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AAZ 12/29/2008

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